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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,207	01/31/2002	Serguei A. Glazko	010251	9894

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QUALCOMM INCORPORATED
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EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,207

Applicant(s)

GLAZKO ET AL.

Examiner

Huy Q. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 9, 20, 27, 38 and 49 is/are allowed.
6) ☒ Claim(s) 1-8, 10-19, 21-26, 28-37, 39-48, 50 and 51 is/are rejected.
7) ☒ Claim(s) 52-56 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: 11/06/2006.
Claims 1-56 are still pending.

Response to Arguments

2. Applicant's arguments, with respect to claims 1-4, 6, 12-15, 17, 23, 24, 10-33, 41-44 and 46, have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments, with respect to claims 5, 7, 8, 10, 11, 16, 18, 19, 21, 22, 25, 26, 28, 29, 34-37, 39, 40, 45, 47, 48, 50, and 51, have been fully considered but they are not persuasive.

Applicant argued that "A combination of Burson and Vanghi also fails to teach Applicant's invention recited in claims 1, 12, 23, 30, and 41. More specifically, Vanghi cannot feasibly be utilized to modify the teachings of Burson in a manner that would result in the invention recited in these claims" and "Vanghi does not teach a method where duration of transitions between two wireless communication systems is a function of a timer defined for use within a first wireless communication system, as recited in claim 1 (claims 12, 23, 30, and 41 recite similar limitations)". The examiner respectfully disagrees. The examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800

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F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this particular case, Burson was used to teach a method where duration of transitions between two wireless communication systems is a function of a timer defined for use within a first wireless communication system (see the rejection below) and Vanghi was used to teach each of the wireless communication systems being a voice/data system (see Abstract and [0010]-[0013]) that conforms to a standard for at least one of CDMA, TDMA, FDMA and GSM [0022]. Therefore, the examiner asserted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Burson as taught by Vanghi in order to incorporate this method for wireless communication systems thus providing the user more flexibility and/or specifically for offering the bimodal portable telephone a functionality of which "may operate with both an IS-856 radio network and an IS-2000 radio network" ([0010]-[0013]).

With all the reasons stated above, the rejection is deemed proper and still stands.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-19, 21-26, 28-37, 39-48, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burson (US-5,550,895 as previously cited) in view of Vanghi (US-2002/0111169 as previously cited).

Regarding claim 1, Burson discloses a method (figs. 4-6 and descriptions) comprising:

starting a timer (fig. 6, 601) defined for use within a first wireless communication system ("cordless" system, see col. 10, lines 9-26); and

estimating duration of transitions ("50 milliseconds", see col. 10, line 16) between the first wireless communication system and a second wireless communication system ("cellular" system; see col. 10, lines 27-45) as a function of the timer ("Once the timer 1 has expired, a timer 2 is started in step 605" see col. 10).

But, Burson does not particularly show each of the wireless communication systems being a voice/data system that conforms to a standard for at least one of CDMA, TDMA, FDMA and GSM. However, Vanghi teaches each of the wireless communication systems being a voice/data system (see Abstract and [0010]-[0013]) that conforms to a standard for at least one of CDMA, TDMA, FDMA and GSM [0022]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Burson as taught by Vanghi in order to incorporate this method for wireless communication systems thus providing the user more flexibility and/or specifically for offering the bimodal portable telephone a functionality of which "may operate with both an IS-856 radio network and an IS-2000 radio network" ([0010]-[0013]).

Regarding claim 12, Burson discloses a processor-readable medium containing processor executable instructions (col. 7, lines 1-16) for:

starting a timer (fig. 6, 601) defined for use within a first wireless communication system ("cordless" system, see col. 10, lines 9-26); and

estimating duration ("50 milliseconds", see col. 10, line 16) of transitions between from the first wireless communication system and a second wireless communication system ("cellular" system; see col. 10, lines 27-45) as a function of the timer ("Once the timer 1 has expired, a timer 2 is started in step 605" see col. 10).

But, Burson does not particularly show each of the wireless communication systems being a voice/data system that conforms to a standard for at least one of CDMA, TDMA, FDMA and GSM. However, Vanghi teaches each of the wireless communication systems being a voice/data system (see Abstract and [0010]-[0013]) that conforms to a standard for at least one of CDMA, TDMA, FDMA and GSM [0022]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Burson as taught by Vanghi in order to incorporate this method for wireless communication systems thus providing the user more flexibility and/or specifically for offering the bimodal portable telephone a functionality of which "may operate with both an IS-856 radio network and an IS-2000 radio network" ([0010]-[0013]).

Regarding claim 23, Burson discloses a wireless communication device (fig. 3) comprising:

first wireless communication system hardware (fig. 3, "cordless" components 318) for operating in a first wireless communication system ("cordless" system, see col. 10, lines 9-26);

second wireless communication system hardware (fig. 3, "cellular" components 354) for operating in a second wireless communication system ("cellular" system; see col. 10, lines 27-45);

an interoperation module (fig. 3, 340 and see col. 7, lines 1-16) to configure the wireless communication device in response to a transition between the first and second wireless communication systems (figs. 4-6 and descriptions), the interoperation module configured to estimate a duration ("50 milliseconds", see col. 10, line 16; and "350 milliseconds", see col. 10, line 29) of the transition as a function of a supervision timer (col. 10, lines 9-52).

But, Burson does not particularly show each of the wireless communication systems being a voice/data system that conforms to a standard for at least one of CDMA, TDMA, FDMA and GSM. However, Vanghi teaches each of the wireless communication systems being a voice/data system (see Abstract and [0010]-[0013]) that conforms to a standard for at least one of CDMA, TDMA, FDMA and GSM [0022]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Burson as taught by Vanghi in order to incorporate this method for wireless communication systems thus providing the user

more flexibility and/or specifically for offering the bimodal portable telephone a functionality of which "may operate with both an IS-856 radio network and an IS-2000 radio network" ([0010]-[0013]).

Regarding claim 30, Burson discloses an apparatus comprising:

means for starting a timer (fig. 6, 601) defined for use within a first wireless communication system ("cordless" system, see col. 10, lines 9-26); and

means for estimating duration ("50 milliseconds", see col. 10, line 16) of transitions between the first wireless communication system and a second wireless communication system ("cellular" system; see col. 10, lines 27-45) as a function of the timer ("Once the timer 1 has expired, a timer 2 is started in step 605"; see col. 10).

But, Burson does not particularly show each of the wireless communication systems being a voice/data system that conforms to a standard for at least one of CDMA, TDMA, FDMA and GSM. However, Vanghi teaches each of the wireless communication systems being a voice/data system (see Abstract and [0010]-[0013]) that conforms to a standard for at least one of CDMA, TDMA, FDMA and GSM [0022]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Burson as taught by Vanghi in order to incorporate this method for wireless communication systems thus providing the user more flexibility and/or specifically for offering the bimodal portable telephone a functionality of which "may operate with both an IS-856 radio network and an IS-2000 radio network" ([0010]-[0013]).

Regarding claim 41, Burson discloses a system comprising:

a memory that stores processor-readable instructions (fig. 3, 340 and see col. 7, lines 1-16); and

a processor (fig. 3, 340 and see col. 7, lines 1-16) coupled to the memory that executes the instructions to start a timer (fig. 6, 601) defined for use within a first wireless communication system ("cordless" system, see col. 10, lines 9-26) and to estimate duration ("50 milliseconds", see col. 10, line 16) of transitions between the first wireless communication system and a second wireless communication system ("cellular" system; see col. 10, lines 27-45) as a function of the timer ("Once the timer 1 has expired, a timer 2 is started in step 605" see col. 10).

But, Burson does not particularly show each of the wireless communication systems being a voice/data system that conforms to a standard for at least one of CDMA, TDMA, FDMA and GSM. However, Vanghi teaches each of the wireless communication systems being a voice/data system (see Abstract and [0010]-[0013]) that conforms to a standard for at least one of CDMA, TDMA, FDMA and GSM [0022]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Burson as taught by Vanghi in order to incorporate this method for wireless communication systems thus providing the user more flexibility and/or specifically for offering the bimodal portable telephone a functionality of which "may operate with both an IS-856 radio network and an IS-2000 radio network" ([0010]-[0013]).

Regarding claims 2, 13, 31 and 42, Burson and Vanghi disclose all the limitations as recited in the rejection of claims 1, 12, 30 and 41 respectively. Burson further discloses performing a pre-defined operation (fig. 6, 601-608) associated with the timer (see col. 10, lines 9-44).

Regarding claims 3, 14, 32 and 43, Burson and Vanghi disclose all the limitations as recited in the rejection of claims 2, 13, 31 and 42 respectively. Burson further discloses wherein the operation is pre-defined by the first wireless communication system (see col. 10, lines 9-26).

Regarding claims 4, 15, 33 and 44, Burson and Vanghi disclose all the limitations as recited in the rejection of claims 1, 12, 30 and 41 respectively. Burson further discloses wherein the timer comprises a supervision timer (fig. 6, 601, 604, 605 and 608).

Regarding claims 5, 16, 34 and 45, Burson and Vanghi disclose all the limitations as recited in the rejection of claims 1, 12, 30 and 41 respectively. Vanghi further discloses wherein the timer is defined by the IS856 wireless communication standard ("time permitted by the IS-856 radio network"; see [0056]).

Regarding claims 6, 17 and 46, Burson and Vanghi disclose all the limitations as

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recited in the rejection of claims 1, 12 and 41 respectively. Burson further discloses starting a plurality of timers (fig. 6, 601 and 605) defined for use within the first wireless communication system (col. 10, lines 9-44); and when returning to the first wireless communication system, estimating the duration ("50 milliseconds", see col. 10, line 16; and "350 milliseconds", see col. 10, line 29) of the transition as a function of the plurality of timers (col. 10, lines 9-52).

Regarding claims 7, 18, 25, 36 and 47, Burson and Vanghi disclose all the limitations as recited in the rejection of claims 1, 12, 23, 30 and 41 respectively. Vanghi further discloses wherein the first wireless communication system is an IS856 system (fig. 1, 22) and the second wireless communication system is an IS2000-1x system. (fig. 1, 28).

Regarding claims 8, 19, 37 and 48, Burson and Vanghi disclose all the limitations as recited in the rejection of claims 7, 18, 25, 36 and 47 respectively. Vanghi further discloses wherein the timer comprises an IS856 Control Channel Supervision Timer ("time permitted by the IS-856 radio network"; see [0056]).

Regarding claims 10, 21, 28, 39 and 50, Burson and Vanghi disclose all the limitations as recited in the rejection of claims 7, 18, 25, 36 and 47 respectively. Vanghi further discloses wherein the timer comprises a data rate control (DRC) [0022] supervision timer ("time permitted by the IS-856 radio network"; see [0056]), the method

further comprising: starting a combination timer (fig. 5, 208); and when returning to the IS856 system (fig. 5, 216), estimating the duration of the transition as a function of the DRC supervision timer and the combination timer (fig. 5 and [0055]-[0057]).

Regarding claims 11, 22, 29, 40 and 51, Burson and Vanghi disclose all the limitations as recited in the rejection of claims 10, 21, 28, 39 and 50 respectively. Vanghi further discloses restarting a transmitter (in order to “request new connection with IS-859 network” see fig. 5 and [0055]-[0057]) in response to expiration of the DRC supervision timer (fig. 5, 214-YES-218); and transitioning to an inactive state (fig. 5, 206) in response to expiration of the combination timer transmitter (see fig. 5 and [0055]-[0057]).

Regarding claim 24, Burson and Vanghi disclose the wireless communication device of claim 23. Burson further discloses wherein the interoperation module is configured (fig. 3, 340 and see col. 7, lines 1-16) to estimate the duration of the transition as a function (“50 milliseconds”, see col. 10, line 16; and “350 milliseconds”, see col. 10, line 29) of a plurality of supervision timers (col. 10, lines 9-52).

Regarding claim 35, Burson and Vanghi discloses the apparatus of claim 34. Burson further discloses means for starting a plurality of timers (fig. 6, 601 and 605) defined for use within the first wireless communication system (col. 10); and means for estimating the duration of the transition as a function of the plurality of timers (“50

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milliseconds", see col. 10, line 16; and "350 milliseconds", see col. 10, line 29) when returning to the first wireless communication system (col. 10, lines 9-52).

Allowable Subject Matter

5. Claims 52-56 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claim 52-56, the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the method further comprising:

attempting to receive a synchronous control channel capsule; and
transitioning to a network acquisition state when the attempt to receive the synchronous control channel capsule is unsuccessful.

Reasons for Allowance

2. Claims 9, 20, 27, 38 and 49 are allowed.

The following is a statement of reason for the indication of allowance:

Claims 9, 20, 27, 38 and 49 are allowed with the same reasons set forth in the Office Action mailed 08/02/2006 (page 10).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Sammarco discloses activating "a timer on the display 18 which measures the duration of each call, to switch from system A to system B (or vice versa) (see specification).

b) Eyuboglu discloses that "broadcast and multicast applications can be supported in wireless networks based on IS-856. Many of the concepts described here also apply to other air interface standards, such as IS-2000 and 1xEV-DV (see specification).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


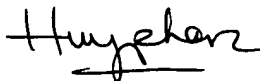
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GEORGE ENG
SUPERVISORY PATENT EXAMINER

Examiner: Phan, Huy Q.

AU: 2617

Date: 11/29/2006